

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN**

MALIBU MEDIA, LLC,	)	
	)	
Plaintiff,	)	Civil Action Case No.: <u>1:12-cv-00617-RJJ</u>
	)	
v.	)	
	)	
JEFFREY ROY,	)	
	)	
Defendant.	)	
_____	)	

**PLAINTIFF’S MOTION FOR EXTENSION OF TIME TO  
COMPLETE DISCOVERY AND TO HOLD CASE EVALUATION**

Plaintiff, Malibu Media, LLC (“Plaintiff”), moves for entry of an order extending the time within which the parties have to complete discovery and to hold the case evaluation, and states:

1. On January 3, 2013, this Court entered an order setting the discovery deadline for today, August 30, 2013 [CM/ECF 24].
2. Plaintiff requires an extension of thirty (30) days within which to complete fact discovery as further explained below.
3. Defendant has agreed to produce his hard drive to Plaintiff, under the condition that all parties enter into a protective order. The parties are currently formulating the proposed protective order and will file it with the Court once it is finalized. Upon receipt of the hard drive, Plaintiff will have its expert perform a forensic investigation and report on his findings.
4. Further, analyzing Defendant’s hard drive should precede Defendant’s deposition because there may be questions that arise from the analysis. Accordingly, assuming Plaintiff receives Defendant’s hard drive by September 6, 2013, Plaintiff’s expert will have two weeks

within which to analyze the hard drive, and Defendant's deposition would occur shortly thereafter, sometime during the week of September 23, 2013.

5. In light of the fact that discovery is not yet completed and Defendant has not produced his hard drive, Plaintiff is not in the position to hold the case evaluation by August 31, 2013, as required by this Court's order dated February 1, 2013 [CM/ECF 35]. As such, Plaintiff respectfully requests that the deadline to hold the case evaluation be extended by 45 days, or until Tuesday, October 15, 2013.

6. This request is made in good faith and not made for the purpose of undue delay.

7. None of the parties would be prejudiced by the granting of the extension of time.

8. Plaintiff has conferred with counsel for Defendant who has advised that his client opposes the extension of the discovery deadline, but does not oppose an extension of the time to hold a case evaluation hearing.

WHEREFORE, Plaintiff respectfully requests that this Court enter an order extending the time within which the parties have to complete discovery until September 30, 2013, and extending the time to hold case evaluation until October 15, 2013. A proposed order is attached for the Court's convenience.

Dated: August 30, 2013

Respectfully submitted,

NICOLETTI & ASSOCIATES, PLLC

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 30, 2013, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on all counsel of record and interested parties through this system.

By: /s/ Paul J. Nicoletti